

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHARON GLASSBROOK,

Case No. 13-10152

Plaintiff,

Robert H. Cleland

v.

United States District Judge

ROSE ACCEPTANCE, INC., *et al*,

Michael Hluchaniuk

United States Magistrate Judge

Defendants.

/

**ORDER GRANTING MOTION TO STRIKE (Dkt. 111)**

Pursuant to this court's order, plaintiff filed a supplemental response to defendant's motion for summary judgment on August 12, 2015. (Dkt. 108). Likewise, according to the terms of the July 29, 2015 scheduling order, defendant filed a supplemental reply to plaintiff's supplemental response on August 19, 2015. (Dkt. 109). On August 20, 2015, without leave of the court, plaintiff filed a second supplemental response to defendant's motion for summary judgment. (Dkt. 110). Defendant filed a motion to strike this second supplemental response, essentially an improper sur-reply brief, which was neither contemplated nor permitted by the court's supplemental briefing schedule. (Dkt. 111). Having reviewed plaintiff's second supplemental response, that is precisely what it appears to be. Plaintiff has neither sought, nor been granted, permission to file a sur-reply, or "second supplemental response." Parties may file motions,

responses, and replies as it relates to motion practice. Sur-replies are not appropriate. Thus, the “second supplemental response” (Dkt. 110) will be **STRICKEN** and not considered by the Court.

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objection must be served on this Magistrate.

Date: September 11, 2015

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on September 11, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to all counsel of record.

s/Tammy Hallwood  
Case Manager  
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